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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/605,832 | 10/29/2003 | Satoshi Shahana | SIC-03-041 | 2831 |
| 29863 | 7590 | 01/13/2006 | EXAMINER | |
| DELAND LAW OFFICE P.O. BOX 69 KLAMATH RIVER, CA 96050-0069 | | | JOHNSON, VICKY A | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3682 | |

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/605,832 | Applicant(s) SHAHANA ET AL. | |
| | Examiner Vicky A. Johnson | Art Unit 3682 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7, 9-11, 13-21, and 23-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Hsu (US 5,498,211).

Hsu discloses a derailleur adapted to be mounted to a bicycle frame, wherein the derailleur comprises: a mounting member (302) adapted to be mounted to the bicycle frame; a base member (305) pivotably mounted relative to the mounting member; a biasing mechanism (304) that biases the base member clockwise relative to the mounting member when viewed laterally outwardly from the base member; a chain guide (103); a coupling mechanism (100) coupled between the base member and the chain guide so that the chain guide moves relative to the base member; and a rotation restricting mechanism (303,302, 305b) disposed in a force communicating path between the mounting member and the base member to restrict counterclockwise rotation of the base member relative to the mounting member (col. 3 lines 19-40).

Re claims 2 and 3 the mounting member is structured to be mounted to a rear wheel hub axle (see Fig 3).

Re claim 4, the rotation restricting mechanism comprises a resilient shock absorber (Webster's Dictionary 10th Edition defines resilient to be "capable of withstanding shock without permanent deformation or rupture").

Re claim 5, the rotation restricting mechanism comprises: a first rotation restricting component (305b); and a second rotation restricting component (303); wherein the first rotation restricting component engages the second rotation restricting component to restrict counterclockwise rotation of the base member relative to the mounting member (col. 2 lines 58-65).

Re claim 9, the first rotation restricting component is disposed on the base member (see Fig 3), wherein the mounting member comprises a stopper plate comprising: a first protrusion (300b) adapted to engage the bicycle frame to set a rotational position of the stopper plate relative to the bicycle frame; and a second protrusion (301a)) adapted to engage a first protrusion on the base member to set a rotational position of the stopper plate relative to the base member; and wherein the second rotation restricting component is disposed on the stopper plate (see Fig3).

Re claim 10, wherein the first rotation restricting component comprises a second protrusion disposed on the base member (see Fig 3), and wherein the second rotation restricting component comprises a third protrusion disposed on the stopper plate that engages the second protrusion on the base member (see Fig 3).

Re claim 20, the second rotation restricting component (303) further comprises a guide (inside surface) that forms an interior space (see Fig 3), and wherein the adjusting member (307) is disposed in the interior space (see Fig 3).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8, 12, 22, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu (US 5,498,211) in view of Ichida (US 5,931,753).

Hsu discloses a derailleur as described above, but does not disclose the shock absorber comprising an elastic member.

Ichida teaches the use of a shock absorber comprising an elastic member (col. 3 lines 15-30).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the derailleur of Hsu to include an elastic member as taught by Ichida in order to decrease wear.

Response to Arguments

Some further comments regarding the applicant's remarks are deemed appropriate.

The applicant argues that the Hsu reference fails to meet the limitations of the claims, because Hsu fails to disclose a rotation restricting mechanism that restricts counterclockwise rotation of the base member. The elements 303, 302, and 305b not only restrict clockwise rotation of the base member, they also restrict counterclockwise rotation. The element 305b abuts 303b, which is attached to 303c, which abuts 301a fixed to 302b fixed to 301b, which abuts 300b to prevent counterclockwise rotation. The applicants remarks have been accorded due consideration, however they are not deemed fully persuasive.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vicky A. Johnson whose telephone number is (571) 272-7106. The examiner can normally be reached on Monday-Friday (7:00a-3:30p).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6217. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3682

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Vicky A. Johnson
Primary Examiner
Art Unit 3682
1/9/04